App F IX 4

Previous References 1946 47 mil)

File No 24-46
Serial Nos 83, 84

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos
110

Part B for August

SUBJECT

Improvement to the makkapi chowk near devaraja market mysore

TO 2219 & 8.A-47
The Chairman. C.I.T.B
Mysore.
Kindly note the properties may be acquired

Serial No

From the Chairman City Improvement Trust Board Mysore

B 2 C 40/45-46 dated 1-2-46

States that the acquisition of properties in Mattagi Chowk has been proposed the owners of properties are applying for licenses to build substantial good buildings and that if licenses are issued for the construction of costly buildings, Govt will have to pay heavy compensation at the time of acquisition and requests to direct thereon

1) Vide G.O No L 8544-7/M 24-46-3 dated 7-12-1946, the Chairman City Improvement Trust Board Mysore was directed among others to take up the third stage of the Elgin Fountain Straight Road Scheme Mysore, only after the first and second stages of the works are fairly advanced

2) The several stages in which the Scheme has been ordered to be worked out are noted below:—

I and II stages — from Jayyaji Rao Road to Bammanah Road —	Rs 2,85,000
III stage from Bammanah Road to Chammundeswari Road —	3,33,000
IV stage from Chammundeswari Road to Viceroy Road —	1,52,000

Disbursement from Fourth Plan Head

NOTE—Contn Sheet

6355/L

File No of 194

General and Revenue Secretariat

Serial No

3) It is now reported that the owners of properties in the Maktaga Ghawk, near the Devarajja market are applying for licenses to build substantial good buildings at heavy cost as per approved design

4) The Chairman has now raised a point for orders as to whether the license applied for by the residents of Maktaga Ghawk may be granted or refused.

5) The Chairman is of the opinion that the owners of properties may be permitted to effect repairs to ~~effect~~ the buildings in the area, license for the construction of costly buildings in the locality being refused This is for orders

6) How many properties are involved in the scheme and what is the estimated cost of their acquisition?

20/2/47

please Minute copy of the resolution of the Trustees dated 9th & 16th, together with the sketch plan of the area which is proposed for acquisition - what is the opinion of the Municipal Advocate in regard to the request by the owners for the license for the erection of buildings - if applied for by the owners of properties whether the owners of properties may be directed to effect repairs thereto? for 28/2/47

WD 6.256—G 6/3—10,000—8-1-47

6355/L/5/8424

7) Submitted with a draft letter calling for the above information

8) For appl

5/3/47

8/3/47

9) [illegible]

10) Done 16/3/47

So 23/3/47

P G SECTION
19 MAR 1947

To The Chairman, C & T Board - Mysore
1278-9 d 21-3-47
Calls for further info

From the Chairman, C & T Board - Mysore
B-2 C 40/45-46 d 7-4-47
States that 6 properties are involved in the scheme and that the estimated cost of acquisition is Rs 57,762

11) The sketch of the area already called for is now sent by the Chairman. A draft letter calling for the same, as also a copy of the Note referred to in the Trust Board Resolution dated 28-8-46 is put up

24/4/47

18/4

6355 8424

Chairman T-B-M

Letter dt 23-4-47

Calls for the information

~~Sir~~ (1)

From the Chairman, C & T Board - Mysore

C 40 dated 8-5-47

Refers to Block Plan showing the properties proposed for acquisition near Devaraja Market - Mysore

(3) The Plan does not show where the Markings Church is situated

(4) ~~The Trust Board has decided to be called for~~ The Trust Board has decided to acquire the properties in this area after the Elsie Fernhill Bridge Road scheme is completed

(5) The point for decision is whether the Mysore City Municipal Council may issue licenses for the construction of Cowdy buildings in this area, pending sanction to the acquisition scheme

(6) The Chairman - Mysore City Improvement

Trust Board is of the opinion that the owners of the properties may be permitted to effect repairs to maintain the buildings

14) The Municipal Advocate is of the opinion that the Municipal Council will not be within its right to refuse licenses as a party is entitled to license till the property is awarded

15) A similar question has come for orders in connection with the Shifting of the Sthegegud Colony - Mysore

16 Orders of Govt thereon will be awaited

20/4/5 The Mysore City Improvement Trust Board have resolved on 28/8/46 that the scheme may be dropped for the present

The Improvement Act have also passed a resolution on 4.7.46 to the effect that the Council is not in favour

of the acquisition of the land 8422 properties
and that it could be considered only
after the completion of the Clyde tunnel
Road is over.

In view of the above reasons passed
by two respectable bodies, just cannot
take any action but these bodies are
aware that, if substantial buildings are
built in the area, big claims of compensation
would have to be paid.
decided upon, heavy amount of
The Advocate also stated to have
furnished the opinion that the grant of licence
for the Cinema Theatre cannot be refused
under the Law by the Municipal.
There are no points on which orders
of Govt are required to be passed in this
Case.

A | Having regard to the above reasons and
Law points, it is for the Municipal
to take such action as he deems
fit in the circumstances of the case.
If the Municipal decide to acquire the properties,
the Chairman may kindly move a special grant of Rs 87624. therefor
The Proceedings will be informed as above
new Agency for Cinema

9274/2 8424/2

The records pertains to the proposed acquisition of 64 Perches Akbar Makkaji Clerk - Devaraj Market mysore City - at an estimated cost of Rs 51.762

By the Municipal Council & the Trust Board have resolved to postpone the acquisition

Hence the municipal President will be informed as at 'A' above

Ministers Engg & P.H 18/6/47

I shall inspect the place when I visit Mysore next week & then pass orders

4/7/47

Submit with a draft letter 1/7 PL put up my draft letter accordingly 1/7/47

1/7/47 RBB 1/7

9 ~ 7/7

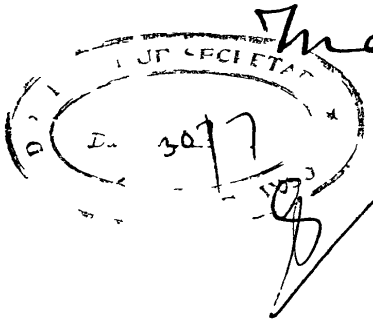
To

The Chairman, C & T Board - Mysore

Ltr d 3-7-47

& asks instructions accordingly

I have inspected the places & the lands. I say the properties may be acquired now alone.



30/7/47

Sgt Nagappa

for

30/7/47

Sworn with a draft reply

30/7

To

The Chairman C-S-T Board - Mysore

The President - Mercara

Ltr d 9-8-47

informs accordingly

Mysl 24-46-83

Office of the Chairman,
City Improvement Trust Board,

No B[illegible]-40-45-46 Fortbone

Mysore, dated 31st January 1947

GEN & REV BRANCH
6355
14 FEB 1947
G. B.

From R. RAMACHANDRA RAO BHOMBORE, Esq, B.A.,
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD,
MYSORE

REVENUE SECRETARY
No
Date
GOVERNMENT OF MYSORE

To J B MALLARADHYA, Esq, M A,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Revenue Department, BANGALORE

SIR,

Subject - Improvements to Makkaji Chowk near Devaraja Market, Mysore

---

I have the honour to state that the above scheme was taken up as per Trust Board Resolution No 547 dated the 27th June 1945 and a Preliminary Notification was also published with this office No IV/45-46 dated 10-8-1945, When the scheme was forwarded to the President, City Municipal Council for furnishing the opinion of the Council as required under Section 16 (2) of the City Improvement Act, the Council resolved in their Meeting held on 4th July 1946 (vide Council Resolution No 1147) that the Council is not in favour of acquisition at present and this could only be considered after the completion of the Elgin Fountain Road in view

In view of the Council's Resolution, the subject was again placed before the Board on 28th August 1946 (Resolution No 99) and it was resolved that "the scheme may be dropped for the present " As the preliminary notification was published on 10-8-1945 during the war period when the rates were prohibitive, and that on a later date of acquisition the value had to be fixed as on the date of preliminary notification Under Section 5 'A' of the Land Acquisition Regulation the preliminary notification was withdrawn on 7-8-1946 (Notification No II/46-47)

As regards the straight road scheme orders have been received from Government with No L 8544-7/M1 24-46-39 dated 9-12-46 that the III stage o: the scheme may be submitted to Government after the work in the first/stag 2 is fairly advanced Awards for the acquisition of the properties in the first two stages have been passed, properties are being taken possession o: and demolished

Having come to know that the acquisition of properties in Makkaji Chowk has been post-poned, the owners of properties are applying for licenses to build substantial good buildings at heavy cost as per approved design The acquisition of properties in this area is not only for re-

moval of dirty and dilapidated buildings in the congested area but also for formation of islands like thos in front of Bangalore City Market as there is now no moving space for pedestrians and vehicular traffic If under the above circumstances licenses are issued for construction of costly buildings, the Government will have to pay heavy compensation to acquire and pull down the buildings when the scheme is to be executed later on I am to add that this scheme is pending execution since many years and is being put off frequently for want of funds

I am of opinion that the owners of properties may however be permitted to effect repairs to maintain the buildings

I request favour of orders from the Government early

I have the honour to be,
Sir,
Your most obedient servant,

Chairman

HRS/4.

[redacted] adjourned general meeting of the City [redacted], Mysore, held on Thursday the 4th July 1946 [redacted] Office.

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xx xx

xx xx

1147. Letter No B2 C 40/45-46 dated 11-6-46 from the Chairman, City Improvement Trust Board, forwarding a detailed note regarding the acquisition of properties in Makkaji Chowk and to the North of it, for which Council opinion was requested in their letter No IV dated 1-11-46

"This Council is not in favour of acquisition at present and this could only be considered after the completion of the Elgin Fountain Road is over "

Moved by Mr T Venkataramaniah
Seconded by Mr P Sitaramiah
Opposed by Mr Md Sait
Seconded by Mr G Janardhan Naidu

Carried by majority, 14 voting for and 3 against

xx xx xx

xx xx

(Sd) R Ramachandra Rao Bhombore
President

" Copy "

Chairman

HRS/2.

HRS/4.

Chairman

L 12798 & 21 S. 47

To

The Chairman, C & T Board, Mysore

Improvements to Maklagi Chowk near the Devaraja Market, Mysore city

Sir,

With reference to your letter no B 2. C 40/41-42 dated 1-2-47 on the above subject, I am directed to request you to kindly furnish information on the following points -

How many properties are involved in the Scheme and what is the estimated cost of their acquisition?

What is the opinion of the Municipal Advocate in regard to the refusal by the City Municipality of the grant of the licenses for the construction of 1 storied buildings if applied for by the owners of properties and whether the owners of

Inquiries may be directed to effect- ively thereto?

Copies of the resolutions of the Trust Board dated 27-6-45 and 28-8-46, together with the sketch or plan of the area which had been proposed for acquisition may be forwarded to us.

Yours

for Meredith
16/3

No ~~B2-6~~ B? C 40/45-46/Encl 3

Office of the Chairman,
City Improvement Trust Board,

Mysore, dated 5th April 1947

FROM R RAMACHANDRA RAO BHOJBORE, Esq, B A,
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD,
MYSORE

To H N PALLEGAR, Esq, I A, LL B,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
REVENUE DEPARTMENT, BANGALORE

DEV & FEN SECRETARY 84 24 11 APR 1947

L.S.G. 9/4/47

xx

SECRETARY GOVERNMENT OF MYSORE Dir, No Date 6/6

Subject: Improvements to Nakkaji Chowk near Devaraja Market, Mysore City

---

With reference to your letter No L 12739 dated the 21st March 1947 re the above, I have the honour to state that 64 properties are involved in the schere The estimated cost of acquisition is P 51,762/-

The Municipal Advocate who was consulted in the matter of grant of licenses to the houses in Ittigegud has given his opinion that the Municipality will not be within their rights to refuse licenses and a party is entitled to have a license till the property is awarded The subject under reference is similar in all aspects to that of removal of Ittigegud Colony A copy of the legal opinion received from the Municipal Advocate is enclosed for favour of information

The Trust Board Resolution Nos 547 dated the 27th June 1945 and No 99 dated the 28th August 1946 called for are also enclosed for kind perusal

I request favour of early orders of the Gover rent in the matter

I have the honour to be,
Sir,
Your most obedient servant,

Chairman

HRS/4

[redacted] of the Board of Trustees

City of Mysore, held at the Chairman's

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xx

xx

Acquisition of 64 dilapidated houses as detailed in the abstract estimate in Block No 33, Devaraj Mohalla, (Makkaji Chowk) for improvement purposes

Approved

xx xx

xx xx

(Sd) R Ramachandra Rao Bhombore
Chairman

" Copy "

Chairman

HRS

xxx

to be taken in respect of acquisitio
Makkaji Chowk in view of the Munici-
olution No 1147 dated 4-7-1946 and
olution No 64 dated 30-7-1946

scheme may be dropped for the present

xx

xx

(Sd) B Ramachandra Rao Bhombore

" Copy "

Chairman

Office of the Municipal Corporation,
Bombay City.
Dated 7th February 1947.

Chapter IX. Section 104 to 118 lays down the powers which the Municipality could exercise in connection with the street and control of building within the Municipal limits. The Municipality as well as the City Improvement Trust Board are empowered to effect improvements. They may well within their powers to undertake any scheme or plan and put them into action. The method that is provided in the statutes is the resort to acquisition proceedings in cases of vast areas or localities and in cases of individual streets or building by close scrutiny of the plans before construction. Just as for notice of construction being insisted under Section 115 requiring notice of erection or re-erection of a building is to ensure safety and sanitation of the building and the suitability of its structural appearance relating to neighbouring buildings and also to conserve the health, safety or convenience of the public or of persons dwelling in the City.

A statutory body like a Municipality acting under statute must keep strictly within its statutory powers. It is obviously the duty of Municipality, which is issuing orders which interfere with the rights of an owner to remain or alter his own house or his own property in the manner which is most convenient to him, to be careful that their orders keep within the provisions of the statute applicable to the particular case in question.

24 Bombay Law Report 776

Besides the courts are also reluctant to uphold the refusal of license on indirect grounds on preventing constructions at all. In Ahamad Suleman Jiva Vs. Bander Town Municipality reported in 27 Bombay Law Reporter 469 where the Municipality insisted an open space of 5 feet to be left open on either of the building and as only 3 feet remained and when he was asked to keep it open it was held "that the order passed by the Municipality was outside their powers under this section, for though they were only entitled to direct that the proposed building should be set back to a certain distance from the street, yet they were not entitled to order that on each side of the building open space

should be left with the object of preventing the applicant from building at all.

It is only when a construction is contrary to the provisions of the Act or Bylaws that the Municipality can refuse the grant of licenses and not otherwise. It has been observed in Trilochan Vs Ahmedabad Municipality reported in 27 Bombay 291 that "the power may be exercised as the Municipality thinks proper ie , it should be exercised, not capriciously or arbitrarily but reasonably, provided the order is not inconsistent with the provisions of the Act.

Applying the said principles the formulative idea of improving the locality cannot be said to be a ground as to contravene the provisions of either the Act or of any bylaws

The only circumstances under which the Municipality could refuse the license or its renewal is when a 1) "Town Improvement Scheme" has been formulated and published giving notice, to the citizens, of the scheme and its or in the objection 2) when it resort to acquisition proceedings, even where the applicant is entitled to the licenses up to the time of the passing of the award, as these would be contingency of the Acquisition proceedings being disposed on the presumption that the citizen cannot be allowed to suffer during the period of formulation and allow the property to deteriorate but if any person were to undertake heavy and costly improvements or constructing after the service of the notice of either the Town Improvement Scheme or Acquisition proceedings/he would be doing so at his own risk.

Hence I am of opinion that the Municipality shall not be well within their rights to refuse/ licenses or renewals and it is also not legal valid and binding on the party, and no action can be taken for its disregard

(Sd.) M Shankarish.
Municipal Advocate.

" Concur "

Commissioner.

HRS/?.

urned General Meeting of the
held on Thursday the 4th
icipal Office

To L 14802 d. 25.4.47

The Chairman, C & T- Board

Mysore.

Improvements to the Mallaji Chowk-
near Devaraja Market- Mysore city

Sir,

With reference to your letter no B2-
C. 40/43-46 d 7-4-47 on the above subject,
I am directed to request that the
sketch or plan of the area which had
been proposed for acquisition called for
in this office letter no L12789 d 21-3-47,
may be forwarded herewith with a

Copy of the Note referred to in the Trust-
Board proceedings dated 28-8-46 & a copy
of the Min. of Resolution of 4-7-46, referred to
therein

I have the
honour
to be
Sir
Your obedt Servt

No B2 C 40/45-46

Office of the Chairman,
City Improvement Trust Board,

Mysore, dated 7th May *1947*

From
R RAMACHANDRA RAO BHOMBORF,Esq ,B A ,
Chairman, City Improvement Trust Board
Mysore

To
H.N PALLEGAR,Esq ,M A ,LL B ,
Secretary to the Government of
His Highness the Maharaja of Mysore,
REVENUE DEPARTMENT, Bangalore

Sir,

Re- Improvements to Makkaji Chowk near Devaraja Market, Mysore City

---

With reference to your letter No L 14802 dated the 25th April 1947 re the above, I have the honour to enclose herewith the Block Plan showing the properties proposed for acquisition A copy of the note referred to in the Trust Board Proceedings dated 28-8-1946, a copy of the Municipal Council Resolution No 1147 dated 4-7-1946 together with the note referred to therein are also sent herewith as desired

I have the honour to be,
Sir,
Your most obedient servant,

Chairman

HRS

Proceedings of the Adjourned General Meeting of the City Municipal Council, Mysore, held on Thursday the 4th July 1946 at 4 P M , in the Municipal Office

CITY IMPROVEMENT TRUST BOARD, MYSORE

MYSORE,

B2 C 40/45-46 *Dated* 8TH MAY _1947

OFFICE NOTE

Trust Board Resolution No 64 dated 30-7-46 recording the Municipal Council Resolution No 1147 dated 4-7-46 requesting "that the acquisition of properties near Makkaji Chowk be considered after the Elgin Fountain Road is over"

The Preliminary Notification was published in the Mysore Gazette dated 6-9-1945 which was in War season If the acquisition is to be taken up later on as per Municipal Council & Trust Board Resolutions the valuation of the properties depends upon as on the date of Preliminary Notification, Under Section 5 A of the Land Acquisition Act

For kind orders as to whether the Preliminary Notification may be withdrawn or allowed to continue in which case we have to the enhanced war rates

Submitted

I think it is better to withdraw the acquisition of properties and to take it up when the Elgin Fountain road is over

(intld) R L (6-8-46) Board
" Copy " (Intld) R R
9-8-46

Chairman

CITY IMPROVEMENT TRUST BOARD, MYSORE

MYSORE

Proceedings of the Adjourned General Meeting of th City Municipal Council, Mysore, held on Thursday the 4th July 1946 at 4 P M , in the Municipal Office

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1147 Letter No B2 C 40/45-46 dated 11-6-46 from the Chairman, City Improvement Trust Board, forwarding a detailed note regarding the acquisition of properties in Makkaji Chowk and to the north of it, for which Council opinion was requested in their letter No IV dated 1-11-46

" This Council is not in favour of acquisition at present and this could only be considered after the completion of the Elgin Fountain Road is over "

Moved by Mr T Venkataramaniah
Seconded by Mr P Sitaramiah
Opposed by Mr Md Sait
Seconded by Mr G Janardan Naidu

Carried by Majority, 14 voting for and 3 against

(Sd) R.Ramachandra Rao Bhombore
President

" Copy "

HRS

Chairman

CITY IMPROVEMENT TRUST BOARD, MYSORE

MYSORE,

Dated 7th May *194* 7

Note. re acquisition of properties in Makkaji Chowk and to the North of it

---

The area known as Makkaji Chowk in Devaraja Mohalla is situated to the North-east of the junction of Sayaji Rao Road and Sivarampet Road just beyond Curzon Gates It is in the form of a triangular Island fully built upon and the structures are all very old and unsighly Besides, there is a lot of congestion of traffic near this Chowk Further, to the North of it is a narrow lane wherein is situated the evening bazaar which is causing great congestion,

The presence of these old and unsightly structures in an important locality like the one inquestion situated in the immediate neighbourhood of Sayaji Rao Road which is in the Procession Route, creates a bad impression in the mind of any passer-by Besides, with the improvement of the New Statue Square and the Market Clock Tower surroundings, the above area also has necessarily to be improved to befit the lay-out It is therefore proposed to acquire all the properties in Makkaji Chowk in addition to a few properties situated to the North of it Altogether, 64 properties are involved in this scheme and the cost of acquisition comes to about Rs 51,762/- This is a special and costly scheme and cannot be met out of the normal funds of the Board Special funds are therefore necessary for the purpose The acquisition has been approved by the Trust Board in their Resolution No 547 dated 27th June 1945

(Sd) R R Raju
Trust Board Engineer

6/6/46

(Sd) R Ramachandra Rao Bhombore
Chairman

" Copy1 ",

HRS

Chairman

Immediate L. 170/Water plan
d. 3/7/47

To

The Chairman C & T Board

Mysore

Subj - Improvements to Halekoji Chowdi near Devaraja market - Mysore

Sir,

With reference to the correspondence ending with your letter no B2 c 40 45-46 dated 8-5-47 on the above subject, I am directed to state that the Minister for Education and P & H would inspect the place when he visits Mysore next week & then pass orders.

2) The Block plan is herewith returned.

Yours truly
for
Dy Secretary

MI 24-46-84

2nd 19/8-8-47

Yesper

To

The Chairman - City Improvement Trust Board - Mysore

Sir -- Acquisition of N/ properties in near the Marriage Church - near the Devaraja market - Mysore city - required for improvement purposes

Sir,

With reference to the correspondence enclosed with your letter No. L12. dated 3-7-1947 on the above subject, I am directed to state that the properties in question may be acquired now alone.

Yours faithfully
For
Dy Secretary

Mem No. 2220 dt 8-8-47

Copy we to the President - City Improvement Trust Board Mysore for info.

For
Dy Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L2219/RL *Dated Bangalore,* August *194*7

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Revenue Department, Bangalore.

To

The Chairman,
City Improvement Trust Board,
Mysore.

Sir,

Subject: Acquisition of 64 properties near the Mahkaji Chowk - near the Devaraja market - Mysore City - required for improvement purposes.

With reference to the correspondence ending with your letter No. L. 170 dated 3-7-1947 on the above subject, I am directed to state that the properties in question may be acquired now alone.

I have the honour to be,
Sir,
Your most obedient servant
Sd/- Syed Abdul Aleem
Secretary to Government,
Revenue Department.

L2220/RL

Copy with compliments to the President, City Municipal Council, Mysore for information.

By order,
Secretary to Government,
Revenue Department.